

In The Matter Of:

Healthy Advice Networks, LLC.

vs.

Contextmedia, Inc.

Michael Williams

May 15, 2014

MERRILL CORPORATION

LegalLink, Inc.

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HEALTHY ADVICE NETWORKS, LLC,)
)
 Plaintiff,)
)
 -vs-) No. 1:12-cv-00610
)
CONTEXTMEDIA, INC.,)
)
 Defendant.)

Deposition of MICHAEL WILLIAMS taken before
TRACY L. BLASZAK, CSR, CRR, and Notary Public, pursuant
to the Federal Rules of Civil Procedure for the United
States District Courts pertaining to the taking of
depositions, at Suite 2700, 222 North LaSalle Street, in
the City of Chicago, Cook County, Illinois at 2:02 p.m.
on the 15th day of May, A.D., 2014.

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<p>1 A Yesterday.</p> <p>2 Q How long did you meet with him?</p> <p>3 A It was about an hour and a half.</p> <p>4 Q Did you review any documents when you met with</p> <p>5 Mr. O'Brien?</p> <p>6 A Yes.</p> <p>7 Q What documents did you review?</p> <p>8 A I reviewed the interrogatories for this, just</p> <p>9 the specific ones, and some e-mails.</p> <p>10 Q Okay. Did the review of the documents help you</p> <p>11 refresh your recollection about the subject matter of</p> <p>12 this case in any way?</p> <p>13 A No, not really.</p> <p>14 Q Did you meet with anyone else other than your</p> <p>15 counsel to prepare for your deposition?</p> <p>16 A No, I did not.</p> <p>17 Q Did you speak with anyone else to prepare for</p> <p>18 your deposition other than your counsel?</p> <p>19 A No, I did not.</p> <p>20 MR. O'BRIEN: You got to let her finish.</p> <p>21 MS. PARK: I didn't go over that rule.</p> <p>22 Q Did you review any legal documents that you</p> <p>23 understand to have been filed in this case to prepare</p> <p>24 for your deposition today?</p>	<p>1 America crews, also to the Mediterranean.</p> <p>2 Q Wow. Do you have any other formal education</p> <p>3 other than what you've just described?</p> <p>4 A I have some college education.</p> <p>5 Q And do you have any professional certifications?</p> <p>6 A No, I do not.</p> <p>7 Q What job did you have before you came to work at</p> <p>8 ContextMedia?</p> <p>9 A I worked for a company called Transocean.</p> <p>10 Q What does Transocean do?</p> <p>11 A Transocean is an oil well driller.</p> <p>12 Q What did you do for Transocean?</p> <p>13 A I worked as an IT person.</p> <p>14 Q How long were you with Transocean?</p> <p>15 A Only a short while. Only about three, four</p> <p>16 months.</p> <p>17 Q And that was the job that you had right before</p> <p>18 you came to work at ContextMedia?</p> <p>19 A Yes.</p> <p>20 Q Why did you leave Transocean?</p> <p>21 A The reason that I left was because they felt</p> <p>22 that I did not have the skill-set that they required for</p> <p>23 what I was doing.</p> <p>24 Q When were you hired by ContextMedia?</p>
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<p>1 A I'm not sure I understand that question.</p> <p>2 Q Sure. A document that was filed with the Court,</p> <p>3 did you review anything that looks like that, to your</p> <p>4 knowledge?</p> <p>5 A The only thing that I reviewed was the</p> <p>6 interrogatories.</p> <p>7 Q Okay. Did you read any deposition transcripts?</p> <p>8 A No, I did not.</p> <p>9 Q Have you ever testified under oath in any type</p> <p>10 of case before today?</p> <p>11 A I was in divorce court. Other than that, I</p> <p>12 don't know.</p> <p>13 Q Okay. How old are you, Mr. Williams?</p> <p>14 A 56.</p> <p>15 Q And what's your address?</p> <p>16 A 1420 North Woodlawn Avenue in Griffith, Indiana.</p> <p>17 Q Can you describe your education after high</p> <p>18 school?</p> <p>19 A After high school I joined the military, went</p> <p>20 through their advanced training in electronics, was</p> <p>21 deployed on several ships, went to several other schools</p> <p>22 during that time.</p> <p>23 Q Where were you deployed?</p> <p>24 A I've been deployed to the Mid-East, to the South</p>	<p>1 A In July of 2009.</p> <p>2 Q So you've been working there for about five</p> <p>3 years?</p> <p>4 A Yes.</p> <p>5 Q And what position were you hired for?</p> <p>6 A Network support engineer.</p> <p>7 Q How did you come to work at Context?</p> <p>8 A I responded to an ad on Craigslist.</p> <p>9 Q Have you had that same position -- you said</p> <p>10 network something engineer. I'm sorry, I don't</p> <p>11 remember. What was your exact title?</p> <p>12 A Network support engineer.</p> <p>13 Q Have you had that same position since you were</p> <p>14 hired in July of '09?</p> <p>15 A In essence, yes, but some of my responsibilities</p> <p>16 have expanded.</p> <p>17 Q Okay. What were your job duties and</p> <p>18 responsibilities at the time that you were hired?</p> <p>19 A To answer the field calls that came in from the</p> <p>20 technicians in the field and to work with those</p> <p>21 technicians on installing the equipment.</p> <p>22 Q And you mentioned that your job duties have you</p> <p>23 expanded. Can you tell me a little bit about how that</p> <p>24 happened or in what sense have your job duties expanded?</p>

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<p>1 A Well, I have skills in programming, and those 2 programming skills have been utilized by the company 3 more and more over the years.</p> <p>4 Q And please bear with me because I have a very, 5 very high-level understanding of programming, but can 6 you tell me a little bit about what your programming 7 skills are?</p> <p>8 A PHP is one of the languages that I'm fluent in, 9 also Bash scripting.</p> <p>10 Q I'm sorry, did you say Bath scripting?</p> <p>11 A Bash scripting.</p> <p>12 Q Bash scripting. Okay. And that's another 13 programming language?</p> <p>14 A Yes, yes.</p> <p>15 Q High level, that's fine, any type of language. 16 Any other programming skills that you have that 17 have been used at ContextMedia?</p> <p>18 A I've done a little bit of HTML and CSS.</p> <p>19 Q I do know what those are. 20 And how have you used the programming skills 21 that you've just described in your job at ContextMedia?</p> <p>22 A Some of them have been to develop tools to test 23 the hardware that's in the field and to make 24 corrections.</p>	<p>1 Health Network? Or if that's not what you are, please 2 tell me what you meant by that.</p> <p>3 A Well, the tools are administrative tools. 4 They're to actually look at the players that are out 5 there in the field in different ways.</p> <p>6 Q And why does Context need to look at the players 7 that are out in the field?</p> <p>8 A The tools that we have that are given to us by 9 the third-parties are separate and distinct. So this 10 tool was designed to bring them all together as one.</p> <p>11 Q Okay. And, I'm sorry, what do you mean by the 12 tools that are given to you by the third-parties that 13 you use?</p> <p>14 A Can I say the vendor names?</p> <p>15 Q Sure. I was going to ask you that, but, yes, 16 please do.</p> <p>17 MR. O'BRIEN: That's fine.</p> <p>18 MS. PARK: Q Which third-parties are you referring 19 to?</p> <p>20 A Third-parties would be BroadSign and the other 21 one would be Canonical.</p> <p>22 Q That was Canonical, C-A-N --</p> <p>23 A O-N-I-C-A-L.</p> <p>24 Q Okay. We'll get to that in a minute.</p>
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<p>1 The others that I've done have been to develop 2 in-house consumable products.</p> <p>3 Q Can you describe a little bit more what you mean 4 by in-house consumable products?</p> <p>5 A There is two types. One would be to display 6 statistics of the networks, and the other would be to 7 interface with the networks through the third-party 8 vendors that we use.</p> <p>9 Q Okay. And so when you say in-house consumable 10 products, you're talking about products that 11 ContextMedia uses to monitor its networks?</p> <p>12 A Yes.</p> <p>13 Q And so when you say display statistics of the 14 networks, are you talking about -- well, the Rheumatoid 15 Health Network, Diabetes Health Network now known as the 16 ContextMedia Health Network?</p> <p>17 A Yes.</p> <p>18 Q Are there any other networks that the display 19 program that you developed monitors other than those 20 networks that I mentioned?</p> <p>21 A No.</p> <p>22 Q And the same question, I guess, for developing a 23 tool to interface with the networks. You're talking 24 about I guess what's now known as the ContextMedia</p>	<p>1 Just going back to the conversation we had 2 about how you used your programming skills to do 3 different things, one of the things that you said was 4 test hardware in the field.</p> <p>5 What program did you have to accomplish that?</p> <p>6 A All of those were developed in Bash.</p> <p>7 Q In the Bash scripting language?</p> <p>8 A Yes.</p> <p>9 Q And what would the program that you developed 10 test? What was it testing for?</p> <p>11 A I don't understand exactly what you're asking.</p> <p>12 Q Okay. I assume when you say test hardware in 13 the field, you're talking about the actual players that 14 are used to display the content?</p> <p>15 A Yes.</p> <p>16 Q So what is it that the program was testing 17 exactly?</p> <p>18 A We were testing to ensure that we had 19 communications between the PC and the TV, testing to 20 make sure that we had network connectivity to our 21 third-party vendors, and testing to make sure that there 22 was nothing going on with the hard drive.</p> <p>23 Q Other than what we've just described, is there 24 anything else that you do in your role as the network</p>

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<p style="text-align: right;">Page 14</p> <p>1 support engineer?</p> <p>2 A I typically configure new images that are</p> <p>3 deployed to PCs in the field, that are going out to the</p> <p>4 field.</p> <p>5 Q And what do you mean -- again, I apologize for</p> <p>6 my lack of understanding of this technical aspect of</p> <p>7 what you do, but what do you mean by configure new</p> <p>8 images?</p> <p>9 A We take a copy of a PC that we set up before</p> <p>10 it's configured, and we save that so that we can later</p> <p>11 recreate it multiple times.</p> <p>12 Q So if I'm understanding this correctly, the</p> <p>13 players have an image that is used sort of as the master</p> <p>14 player, and one of your jobs is to copy that master</p> <p>15 player or copy the image of that master player and place</p> <p>16 it in new machines that get deployed across the field.</p> <p>17 Did I state that correctly?</p> <p>18 A Yes.</p> <p>19 Q Okay. I think I understand it.</p> <p>20 What type of equipment do you use in your job</p> <p>21 at Context?</p> <p>22 A Can you --</p> <p>23 Q Like a laptop, BlackBerry, iPhone?</p> <p>24 A I use a laptop, a desktop.</p>	<p style="text-align: right;">Page 16</p> <p>1 A That's the only one I've used since I've been</p> <p>2 there.</p> <p>3 Q Okay. I guess I misunderstood. What model</p> <p>4 laptop is that?</p> <p>5 A I don't know.</p> <p>6 Q And you said you also use a desktop computer?</p> <p>7 A Yes.</p> <p>8 Q When did you start using a desktop?</p> <p>9 A From the start.</p> <p>10 Q I see. What type of desktop do you use?</p> <p>11 A It was -- it is a Dell.</p> <p>12 Q And have you used that same desktop continuously</p> <p>13 since you've started?</p> <p>14 A I've had two desktops since I've been there.</p> <p>15 Q When did you get the second desktop?</p> <p>16 A It was shortly after Travis arrived.</p> <p>17 Q Are you talking about Travis Kemp?</p> <p>18 A Yes.</p> <p>19 Q When did Travis arrive?</p> <p>20 A I'm not sure exactly when it was. Whenever his</p> <p>21 start date was, I don't know.</p> <p>22 Q Was it within six months after you started</p> <p>23 working?</p> <p>24 A No, it was not.</p>
<p style="text-align: right;">Page 15</p> <p>1 Q What type of laptop?</p> <p>2 A It's a Dell laptop.</p> <p>3 Q Have you used that same laptop continuously</p> <p>4 since you were employed at Context back in 2009?</p> <p>5 A No, I have not.</p> <p>6 Q Okay. What other laptops have you used -- I</p> <p>7 guess start from the beginning, which laptop did you use</p> <p>8 when you first started and if you can tell me how that</p> <p>9 changed over the years?</p> <p>10 A I didn't have a laptop when I first started.</p> <p>11 This was given to me later.</p> <p>12 Q Okay. When was it given to you? You're talking</p> <p>13 about the Dell?</p> <p>14 A Yes. I don't recall exactly when it was given</p> <p>15 to me.</p> <p>16 Q Did you have it as of 2010?</p> <p>17 A No, I did not.</p> <p>18 Q Okay. How about 2011?</p> <p>19 A I really don't know for sure exactly when that</p> <p>20 was.</p> <p>21 Q Okay. So at some point after you started in</p> <p>22 July of 2009 you were given a Dell by ContextMedia.</p> <p>23 What's the next laptop that you used after the</p> <p>24 Dell?</p>	<p style="text-align: right;">Page 17</p> <p>1 Q About a year after?</p> <p>2 A It was a year to two years after I started.</p> <p>3 Q Okay. So sometime between July of 2010 and July</p> <p>4 of 2011 is when Travis started?</p> <p>5 A I would -- I think it was in March was the month</p> <p>6 that he started. And whether it was 2011 or 2012, I do</p> <p>7 not -- I don't remember.</p> <p>8 Q Okay. But at some point at the time Travis</p> <p>9 started is when you were given the new desktop?</p> <p>10 A Yes.</p> <p>11 Q Okay. Other than the laptop and the two</p> <p>12 desktops, is there any other equipment that you use as</p> <p>13 part of your job at Context?</p> <p>14 A I'm not sure I understand your question.</p> <p>15 Q Did Context give you an iPad or a Galaxy or</p> <p>16 iPhone or anything that you use as part of your job?</p> <p>17 A Yes, I have an iPad.</p> <p>18 Q When were you given an iPad?</p> <p>19 A It was, I believe, somewhere in the year 2012.</p> <p>20 Q What do you use the iPad for?</p> <p>21 A Mostly reading.</p> <p>22 Q So you use it more for pleasure, not for work?</p> <p>23 A Correct.</p> <p>24 Q Generally speaking, what do you use the laptop</p>

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<p style="text-align: right;">Page 18</p> <p>1 for?</p> <p>2 A I use it for some very minor personal use and</p> <p>3 other -- I use it most specifically for programming.</p> <p>4 Q Do you use the desktop for programming, as well?</p> <p>5 A I use the desktop occasionally for writing shell</p> <p>6 scripts on the Landscape system. But for anything</p> <p>7 that's relating to PHP, no, I do not.</p> <p>8 Q Why do you use the laptop for PHP primarily and</p> <p>9 the desktop for Landscape?</p> <p>10 A Because I can take the laptop home with me and</p> <p>11 work at home.</p> <p>12 Q Understood. You have a long commute from</p> <p>13 Chicago to Griffith, right?</p> <p>14 A About 40 minutes.</p> <p>15 Q And when you talk about the programming that you</p> <p>16 do on your laptop, you're doing that programming in</p> <p>17 connection with your work at ContextMedia, right?</p> <p>18 A Yes.</p> <p>19 Q Where are you officed? Do you work out of the</p> <p>20 Chicago office?</p> <p>21 A Yes, I do.</p> <p>22 Q As the network support engineer, are you part of</p> <p>23 a department at ContextMedia?</p> <p>24 A Yes.</p>	<p style="text-align: right;">Page 20</p> <p>1 six months after I started.</p> <p>2 Q And when did ContextMedia start using Multiband?</p> <p>3 A I'm not completely sure when they started. I</p> <p>4 don't know exactly when they started. If you're looking</p> <p>5 for a specific date, I don't know.</p> <p>6 Q Did ContextMedia use each of these third-parties</p> <p>7 at the same time or did Context only use like one party</p> <p>8 at a time, one company at a time?</p> <p>9 A There were points where we used two at a time.</p> <p>10 Q And, if you know, why did Context use two</p> <p>11 companies for installation?</p> <p>12 A We were testing to see how well they performed.</p> <p>13 Q You said there was a fourth one, is it Rollouts,</p> <p>14 is that right?</p> <p>15 A Yes.</p> <p>16 Q Okay. Do you know when Context started using</p> <p>17 Rollouts?</p> <p>18 A I'm almost positive that they did that before I</p> <p>19 was there, they used Rollouts before me.</p> <p>20 Q Got you.</p> <p>21 And has Context used Sarcom throughout since</p> <p>22 2009?</p> <p>23 A Yes.</p> <p>24 Q Is there any time period where Context was not</p>
<p style="text-align: right;">Page 19</p> <p>1 Q What is that department?</p> <p>2 A Network operations.</p> <p>3 Q And what does the network operations team do?</p> <p>4 A We assist the field technicians in installing</p> <p>5 the equipment and ensuring that it's operating</p> <p>6 correctly.</p> <p>7 Q The field technicians that you're referring to,</p> <p>8 are they ContextMedia employees or are they employees of</p> <p>9 third-parties?</p> <p>10 A They are employees of third-parties.</p> <p>11 Q Which companies do these field technicians use?</p> <p>12 And I'm talking about the entire time you've been there,</p> <p>13 so if there are a number of companies, if you could tell</p> <p>14 me what companies they are, if you know.</p> <p>15 A The third-parties worked for Sarcom, Rhombus,</p> <p>16 Multiband, and I'm unsure but there may be another one,</p> <p>17 Rollouts.</p> <p>18 Q Any other third-parties you can think of?</p> <p>19 A No.</p> <p>20 Q Who did ContextMedia use as its third-party</p> <p>21 installer at the time you started working there?</p> <p>22 A Sarcom.</p> <p>23 Q And when did ContextMedia start using Rhombus?</p> <p>24 A It was sometime after I started, about, I think,</p>	<p style="text-align: right;">Page 21</p> <p>1 working with Sarcom?</p> <p>2 A I don't believe so.</p> <p>3 Q Who else is on the network operations team?</p> <p>4 A Would that be currently?</p> <p>5 Q Well, let's start in 2009 when you first started</p> <p>6 and then we'll go from there.</p> <p>7 A In 2009 Chris Wolf and Matt Coppola.</p> <p>8 Q How about in the late December -- I'm sorry,</p> <p>9 strike that.</p> <p>10 How about in the December, 2010, January, 2011</p> <p>11 time frame, who was on the net ops team?</p> <p>12 A That would be myself and Matt Coppola.</p> <p>13 Q How about presently, who is on the net ops team?</p> <p>14 A Okay. Todd Hanson, Travis Kemp, Drew, and I</p> <p>15 can't remember his last name, Kamal. I'm not sure how</p> <p>16 far you want me to go with this because there are other</p> <p>17 kind of subdepartments within net ops.</p> <p>18 Q Okay. Well, okay. That's fine. But it appears</p> <p>19 that the net ops team has grown since 2011. Do you know</p> <p>20 why?</p> <p>21 A Because we had requirements for more</p> <p>22 technicians.</p> <p>23 Q There were more --</p> <p>24 A More network support engineers.</p>

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<p>1 Q There were more players out in the field that 2 needed to be attended to, is that right?</p> <p>3 A Yes.</p> <p>4 Q And I'm going back again to the 2010, 2011 time 5 frame when the net ops team was you and Matt Coppola. 6 Who reported to you at that time?</p> <p>7 A Nobody.</p> <p>8 Q And who did you report to at that time?</p> <p>9 A Matt Coppola.</p> <p>10 Q Do you know who Matt reported to?</p> <p>11 A I believe it was Jim, Jim Demas.</p> <p>12 Q At that time did you interact with Mr. Demas at 13 any time in your job back in, again, the 2010, 2011 time 14 frame?</p> <p>15 A What do you mean by interact?</p> <p>16 Q Did he ever ask you to do work directly for him 17 or did you have any reason to interact with him?</p> <p>18 A In a very limited way, yes.</p> <p>19 Q Do you know who Rishi Shah is?</p> <p>20 A Yes, I do.</p> <p>21 Q Did you ever interact with Mr. Shah during that 22 time frame?</p> <p>23 A We talked, but that's --</p> <p>24 Q It was a relatively rare instance that you would</p>	<p>1 Q And what did you know about the switchout 2 package?</p> <p>3 A I know that it consisted of boxes and that the 4 boxes were shipped to them, to the clinics.</p> <p>5 Q When you say the boxes were shipped to the 6 clinics, were they boxes containing ContextMedia 7 equipment or someone else's equipment?</p> <p>8 A They were empty boxes.</p> <p>9 Q Oh, okay. And what were the empty boxes used 10 for?</p> <p>11 A They were used to put the equipment from the 12 competitor in.</p> <p>13 Q Is there anything else you can tell me about 14 what switchouts were, what that involved?</p> <p>15 A I'm not sure what you mean by what it involved.</p> <p>16 Q When you heard the term switchout, what did you 17 think that that meant?</p> <p>18 A I thought that meant that we were replacing a 19 competitor's equipment with ours.</p> <p>20 Q Did Context switchout Healthy Advice screens or 21 players?</p> <p>22 A Yes.</p> <p>23 Q And as a member of the net ops team, and, again, 24 I'm talking about the 2010, 2011 time frame, did you</p>
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<p>1 interact with him?</p> <p>2 A Very rare.</p> <p>3 Q Okay. Did you learn at some point that 4 ContextMedia had developed what it refers to as a 5 switchout package or a hassle-free switchout package?</p> <p>6 A Yes, I am aware of that.</p> <p>7 Q When did you learn about that?</p> <p>8 A I don't recall exactly when it was. I'm not 9 sure what's appropriate to give.</p> <p>10 Q If you can give an approximate year? Do you 11 know what approximate year you learned about that 12 switchout package?</p> <p>13 A I believe it was somewhere in the year 2011.</p> <p>14 Q And how did you learn about the switchout 15 practice?</p> <p>16 A I was told about it.</p> <p>17 Q Who told you?</p> <p>18 A I don't recall who told me.</p> <p>19 Q Do you remember the context in which you learned 20 about the switchout package? Like was it in a group 21 meeting? Was it in a one-on-one conversation?</p> <p>22 A I believe it was informal.</p> <p>23 Q But you don't remember who told you about it?</p> <p>24 A No, I don't.</p>	<p>1 play any role in deinstalling Healthy Advice screens?</p> <p>2 A When you say role, you mean personally involved?</p> <p>3 Q Yes, yes. You know, did you coordinate with the 4 Sarcom people or did you coordinate with the clinics? 5 Did you have any communications with anybody to --</p> <p>6 A The only people I had communication with was 7 with technicians.</p> <p>8 Q And the technicians for Sarcom and Rhombus and 9 Multiband and the other companies that Context was using 10 at the time?</p> <p>11 A Yes.</p> <p>12 Q And what types of communications would you have 13 with them?</p> <p>14 A I would tell them that the boxes were there for 15 them to place the competitor's equipment in. That -- 16 And we are talking about the 2010, 2011 time frame?</p> <p>17 Q Yes.</p> <p>18 A Because later on those procedures changed.</p> <p>19 Q Okay.</p> <p>20 A We told them that they were to leave them there 21 with the contact and that we would send FedEx by with a 22 label to send it back to the competitor.</p> <p>23 Q How would you know where to send the boxes to?</p> <p>24 A There would be an attempt to make a</p>

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<p style="text-align: right;">Page 26</p> <p>1 determination of who owned the equipment so that it 2 could be given back to the correct vendor.</p> <p>3 Q And who would make that attempt to determine who 4 the owner of the equipment was?</p> <p>5 A That would be the member services.</p> <p>6 Q Did you ship the boxes to the practices or did 7 you tell somebody else to do that?</p> <p>8 A I did not do any shipping.</p> <p>9 Q Okay. So, essentially, your role was if there 10 was going to be a switchout of a competitor, you would 11 work with the technicians to remove the competitor's 12 screen and then install ContextMedia's player and 13 screen, is that right?</p> <p>14 A Yes.</p> <p>15 Q Is there anything more that you can tell me 16 about what you did?</p> <p>17 A Not that I recall.</p> <p>18 Q Okay. Other than yourself, did anyone else at 19 Context interface with the third-party companies?</p> <p>20 A Third-party companies being?</p> <p>21 Q I'm sorry, the technicians.</p> <p>22 A The only other people that would interface with 23 the technicians would be Multiband, Sarcom, whoever they 24 were working for.</p>	<p style="text-align: right;">Page 28</p> <p>1 You said you didn't recall exactly how the 2 procedures changed, but you just needed to keep track of 3 more details. Do you recall that --</p> <p>4 A Right, it's changed.</p> <p>5 Q Okay. What kind of details do you have to keep 6 track of now?</p> <p>7 A Well, we -- You mean today?</p> <p>8 Q Well, at the time that the procedures changed.</p> <p>9 A It's changed several times, so I don't -- I'm 10 not sure exactly what changed that first time.</p> <p>11 Q Okay. Well, what is different now than the way 12 it was before when the switchout packages first started?</p> <p>13 A As of today?</p> <p>14 Q Uh-huh, yes.</p> <p>15 A As of today, we need to make sure that we know 16 exactly who the equipment belongs to by taking a picture 17 and documenting it.</p> <p>18 We document the equipment on the wall. We 19 document it when the equipment is taken off the wall. 20 We document it when it's put in the box. We have the 21 site contact, we have them verify that the equipment is 22 in the box, too. And we verify with the technician what 23 equipment is in what box.</p> <p>24 Q So all of those procedures that you just</p>
<p style="text-align: right;">Page 27</p> <p>1 Q Okay. And who instructed you to follow this 2 procedure of shipping the boxes to the clinics and then 3 having FedEx sent to the clinics to be shipped back?</p> <p>4 A It would have been my manager.</p> <p>5 Q And was that Mr. Coppola?</p> <p>6 A Yes.</p> <p>7 Q Do you know who gave Mr. Coppola that 8 instruction?</p> <p>9 A No, I do not.</p> <p>10 Q You said that later on the procedures changed. 11 When did the procedures change?</p> <p>12 A It wasn't long after we started. And I don't 13 remember exactly what changed, but there was more 14 details that we had to keep track of.</p> <p>15 Q And when you said it's not long after we 16 started, do you mean not long after you started the 17 switchout packages?</p> <p>18 A Yes.</p> <p>19 Q And I'm sorry if I asked you this already, but 20 do you recall approximately when the switchout packages 21 started?</p> <p>22 A I believe it started early in 2011.</p> <p>23 Q And when you say you don't recall how much -- or 24 strike that.</p>	<p style="text-align: right;">Page 29</p> <p>1 described, Context didn't do any of that when the 2 switchout packages first started in 2011?</p> <p>3 A I'm trying to remember, and I don't -- I don't 4 remember exactly to, you know, what details we did it. 5 It was a learning process.</p> <p>6 Q Back in 2011 when the switchout packages first 7 started, did Context ever lose competitor equipment?</p> <p>8 A I don't know that I can speak to that.</p> <p>9 Q Did you ever have a practice contact you and say 10 we don't know what happened to the Healthy Advice boxes?</p> <p>11 A I don't fully recall anything like that, not 12 calling me directly.</p> <p>13 Q Who implemented the changes in the procedures 14 for the switchout packages?</p> <p>15 A By implementing, you mean what?</p> <p>16 Q Who told you that the procedures would have to 17 change and this is what you now have to do?</p> <p>18 A Oh, it would have been my manager.</p> <p>19 Q That's, again, Matt Coppola?</p> <p>20 A Yes.</p> <p>21 Q Do you know, once again, who told him to change 22 the procedures?</p> <p>23 A No, I don't.</p> <p>24 Q Of the field technician companies that you</p>

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<p style="text-align: right;">Page 30</p> <p>1 mentioned, did any of them at any point decline to</p> <p>2 remove Healthy Advice screens?</p> <p>3 A Yes.</p> <p>4 Q Which ones?</p> <p>5 A Sarcom.</p> <p>6 Q Do you know why -- or I'm sorry, let me strike</p> <p>7 that.</p> <p>8 When did Sarcom decline to remove Healthy</p> <p>9 Advice screens?</p> <p>10 A I believe it was shortly after it was started.</p> <p>11 Q Do you know why?</p> <p>12 A Yes, I do.</p> <p>13 Q Why?</p> <p>14 A They were -- they claimed that it was a conflict</p> <p>15 of interest, as I recall.</p> <p>16 Q And how did you know that Sarcom declined to</p> <p>17 remove Healthy Advice screens?</p> <p>18 A Because I was told we were no longer using</p> <p>19 Sarcom.</p> <p>20 Q So Context stopped using Sarcom for</p> <p>21 deinstallations?</p> <p>22 A Correct.</p> <p>23 Q Who did Context use in Sarcom's place?</p> <p>24 A Multiband.</p>	<p style="text-align: right;">Page 32</p> <p>1 Q I guess what kind of servers, is it a Windows</p> <p>2 server, a Linux server, a Unix server?</p> <p>3 A We use Linux.</p> <p>4 Q And I'm talking about, how about this, unless I</p> <p>5 specify otherwise, I'm always going to be talking about</p> <p>6 the 2010, 2011 time frame.</p> <p>7 A Okay.</p> <p>8 Q So back then, what type of server did Context</p> <p>9 use?</p> <p>10 A Linux.</p> <p>11 Q And is there a brand of server that Context was</p> <p>12 using at the time, a brand of Linux server?</p> <p>13 A Yes.</p> <p>14 Q And what was that brand?</p> <p>15 A Ubuntu.</p> <p>16 Q Are you familiar with something called the CM</p> <p>17 Server 1?</p> <p>18 A Yes, I am.</p> <p>19 Q What is that?</p> <p>20 A That was a computer that I set up for the</p> <p>21 purposes of network storage.</p> <p>22 Q When did you set up the CM Server 1?</p> <p>23 A Approximately late 2009.</p> <p>24 Q And what did Context use CM Server 1 for at the</p>
<p style="text-align: right;">Page 31</p> <p>1 Q Again, going back to the 2010, 2011 time frame,</p> <p>2 what would happen to -- and I'm talking about Healthy</p> <p>3 Advice equipment specifically, what would happen to the</p> <p>4 Healthy Advice equipment after Context removed it, if</p> <p>5 you know?</p> <p>6 A Well, I think it would be speculation, but to</p> <p>7 the best of my knowledge, it was returned to the owner.</p> <p>8 Q So Context at the time didn't do anything to</p> <p>9 make sure that it actually was shipped back to the</p> <p>10 owner?</p> <p>11 A I don't know what you mean by that.</p> <p>12 Q Well, you said that it was speculation. So I</p> <p>13 take it from that that you didn't have any way of --</p> <p>14 A I wasn't involved in that part of it.</p> <p>15 Q Okay. Do you know who was involved in that part</p> <p>16 of it?</p> <p>17 A Actually, Matt Coppola would have been involved</p> <p>18 in that.</p> <p>19 Q Mr. Williams, what types of servers does Context</p> <p>20 use?</p> <p>21 A I'm not sure I understand what you mean by</p> <p>22 types.</p> <p>23 Q Do you know what a server is?</p> <p>24 A Yes, I do know what a server is.</p>	<p style="text-align: right;">Page 33</p> <p>1 time?</p> <p>2 A Mostly for storage of documents and other</p> <p>3 materials.</p> <p>4 Q And when you say documents, do you mean like</p> <p>5 Microsoft Word documents, Excel spreadsheets, that type</p> <p>6 of document?</p> <p>7 A Yes.</p> <p>8 Q What else was stored on CM Server 1?</p> <p>9 A During that time I would have stored some of my</p> <p>10 files on there for scripting as sort of a backup.</p> <p>11 Q And were there specific types of documents that</p> <p>12 were stored there? For example, was it, you know,</p> <p>13 financial documents or client-related documents or</p> <p>14 practice-related documents or was it just all of</p> <p>15 Context's documents?</p> <p>16 A It wasn't all of Context's documents.</p> <p>17 Q Okay.</p> <p>18 A At the time it would have been just Word</p> <p>19 documents, maybe some Excel spreadsheets, maybe some</p> <p>20 documents that we would use to send to the clinics.</p> <p>21 Q But there weren't particular subject matters, it</p> <p>22 was just pretty much all documents that you kind of just</p> <p>23 described were stored on CM Server 1?</p> <p>24 A Well, not all documents were stored there. It</p>

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<p style="text-align: right;">Page 34</p> <p>1 was -- I'm trying to search for what you're looking for.</p> <p>2 Q I guess I want to know, for example, at my</p> <p>3 office on the P drive, you know, documents relating to</p> <p>4 particular types of cases are stored there, on the O</p> <p>5 drive I think -- I'm just making this up, actually, but</p> <p>6 on the O drive I think the firm stores documents</p> <p>7 relating to accounting and finance and things like that.</p> <p>8 So I guess what I want to know is were there</p> <p>9 particular subject matters in Context's business that</p> <p>10 were stored on CM Server 1, does that make sense?</p> <p>11 A Yes, but I wasn't involved in the creation of</p> <p>12 that. I only set up the server itself. As far as the</p> <p>13 creation of the documents and what documents were stored</p> <p>14 there, I mean, I'm just -- I would just have vague</p> <p>15 knowledge of that.</p> <p>16 Q Okay. So the Context employees decided where</p> <p>17 they wanted to store information?</p> <p>18 A Right.</p> <p>19 Q Got you. What other file storage mechanisms did</p> <p>20 Context have other than CM Server 1?</p> <p>21 A Other than personal PCs, nothing.</p> <p>22 Q So there was no main office server other than</p> <p>23 the CM Server 1 that Context used to store documents?</p> <p>24 A That's correct.</p>	<p style="text-align: right;">Page 36</p> <p>1 A We use it for storage of just about everything.</p> <p>2 Q Okay. Does Context still use the CM Server 1?</p> <p>3 A No.</p> <p>4 Q When did Context stop using CM Server 1?</p> <p>5 A It was -- it's been in decline over the years</p> <p>6 since we moved to the Google Drive.</p> <p>7 And after the forensics, we never turned it</p> <p>8 back on.</p> <p>9 Q The forensics, are you referring to the</p> <p>10 forensics for this case?</p> <p>11 A Yes.</p> <p>12 Q Okay. After moving to Google Drive, did Context</p> <p>13 change its file storage system in any way? Like has</p> <p>14 Context moved from Google Drive to something different?</p> <p>15 A No.</p> <p>16 Q Has Context used something else along with</p> <p>17 Google Drive?</p> <p>18 A Not as a company that I am aware of.</p> <p>19 Q What e-mail system does Context use?</p> <p>20 A Gmail.</p> <p>21 Q So all of the e-mail goes through Google Drive,</p> <p>22 as well?</p> <p>23 A Well, Google Drive is an ancillary service that</p> <p>24 Google offers. The e-mail is separate from Google</p>
<p style="text-align: right;">Page 35</p> <p>1 Q And no cloud-based storage account or sort of --</p> <p>2 I guess they probably didn't have cloud-based storage</p> <p>3 back then, but there was no other virtual storage system</p> <p>4 back then that Context used?</p> <p>5 A Not that I am aware of.</p> <p>6 Q Did Context change its file storage solution at</p> <p>7 any time since you've been employed there?</p> <p>8 A Yes, we changed, yes.</p> <p>9 Q When did you first change it from CM Server 1 to</p> <p>10 something else?</p> <p>11 A It would have been somewhere around the</p> <p>12 beginning of 2012, after 2012.</p> <p>13 Q Why did Context decide to change their file</p> <p>14 storage solution?</p> <p>15 A They wanted an easier way of accessing things.</p> <p>16 Q What did Context switch to in early 2012?</p> <p>17 A To Google Drive.</p> <p>18 Q Were you involved in setting up the Google Drive</p> <p>19 account?</p> <p>20 A No, I was not.</p> <p>21 Q Do you know who was at Context?</p> <p>22 A Travis Kemp.</p> <p>23 Q What, if you know, does Context use Google Drive</p> <p>24 for?</p>	<p style="text-align: right;">Page 37</p> <p>1 Drive.</p> <p>2 Q Okay. Let me ask it this way: I've seen in</p> <p>3 documents produced in this case that people have like a</p> <p>4 contextmediainc e-mail address. Is that a Gmail address</p> <p>5 or is that an Outlook address or some other program?</p> <p>6 A Contextmediainc is our primary e-mail address</p> <p>7 for the corporate. And the service is hosted by Gmail.</p> <p>8 Q I understand. Okay. So just because it doesn't</p> <p>9 have a Gmail.com extension doesn't mean that it's not a</p> <p>10 Gmail-hosted e-mail address?</p> <p>11 A Correct.</p> <p>12 Q I understand.</p> <p>13 And are you familiar with the -- I think it was</p> <p>14 diabetesnetwork.com or something? I think I've seen</p> <p>15 Context use another type of e-mail address with</p> <p>16 diabeteshealthnetwork or something like that, does</p> <p>17 that --</p> <p>18 A Yes, we have several domains that we can use</p> <p>19 them all for e-mail.</p> <p>20 Q And those e-mails that I was just -- the</p> <p>21 Diabetes and Rheumatoid e-mails I've seen, those are</p> <p>22 also hosted by Gmail?</p> <p>23 A Yes, they are.</p> <p>24 Q I see.</p>

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<p style="text-align: right;">Page 38</p> <p>1 Has Context ever used anything other than Gmail</p> <p>2 for e-mail service?</p> <p>3 A Yes, they have.</p> <p>4 Q What have they used?</p> <p>5 A I don't remember the name of it.</p> <p>6 Q Was it Outlook?</p> <p>7 A We used the program Outlook, but we used another</p> <p>8 hosted e-mail service.</p> <p>9 Q In 2010 and 2011 was Context using Gmail to host</p> <p>10 all of its e-mail?</p> <p>11 A Not in 2010.</p> <p>12 Q What was it using back then?</p> <p>13 A This other company that I don't remember the</p> <p>14 name of.</p> <p>15 Q Okay. So when did Context move from that other</p> <p>16 company to Gmail?</p> <p>17 A It was somewhere in the time frame of 2011, late</p> <p>18 2011.</p> <p>19 Q You said that the CM Server 1 had been declining</p> <p>20 over the years.</p> <p>21 What was it used for during the time of its</p> <p>22 decline?</p> <p>23 A I believe they used it mostly just for</p> <p>24 accounting.</p>	<p style="text-align: right;">Page 40</p> <p>1 A No one that I know of.</p> <p>2 Q Are you familiar with Linode, L-I-N-O-D-E?</p> <p>3 A Yes, I am.</p> <p>4 Q Does Context use Linode?</p> <p>5 A Yes, we do.</p> <p>6 Q What does Context use Linode for?</p> <p>7 A We use that for hosted servers. We rent the</p> <p>8 servers.</p> <p>9 Q I see. So it's another storage mechanism for</p> <p>10 Context data?</p> <p>11 A We don't use it for storage.</p> <p>12 Q I'm sorry. Can you explain what you use it for,</p> <p>13 then?</p> <p>14 A We use it to provide other services.</p> <p>15 Q What other services?</p> <p>16 A We provide weather to our clients.</p> <p>17 Q Any other services other than weather?</p> <p>18 A There is another internal for an SMS program.</p> <p>19 Q Any other services that Context uses Linode for?</p> <p>20 A I have two servers set up for just development.</p> <p>21 Q Development of what?</p> <p>22 A Of software.</p> <p>23 Q What kind of software?</p> <p>24 A The software that I use for the internal</p>
<p style="text-align: right;">Page 39</p> <p>1 Q But as of today, Context stores all of its</p> <p>2 information on the Google Drive account?</p> <p>3 A That is correct.</p> <p>4 Q Okay. When did Context stop storing the</p> <p>5 accounting-type documents on CM Server 1?</p> <p>6 A I don't know.</p> <p>7 Q Who is the administrator of Context's Google</p> <p>8 Drive account?</p> <p>9 A I'm unsure of who that is.</p> <p>10 Q It's not you?</p> <p>11 A It's not me, no.</p> <p>12 Q And this might be the same thing, so I</p> <p>13 apologize, but, if you know, who at Context assigns</p> <p>14 rights to Context's Google Drive account?</p> <p>15 A No, I don't.</p> <p>16 Q Do you know if Context restricts access to the</p> <p>17 Google Drive account?</p> <p>18 A Access is restricted to employees.</p> <p>19 Q I can't get into a Context Google Drive account,</p> <p>20 right?</p> <p>21 A No.</p> <p>22 Q Not that I'm trying to.</p> <p>23 Other than ContextMedia employees, who else has</p> <p>24 access to the Google Drive account?</p>	<p style="text-align: right;">Page 41</p> <p>1 systems.</p> <p>2 Q And when you talk --</p> <p>3 A For the ContextMedia consumed services.</p> <p>4 Q Okay. So these are internal services different</p> <p>5 from the technology that goes into the players that are</p> <p>6 actually displayed to the offices?</p> <p>7 A Correct, yes.</p> <p>8 Q Anything else you can think of that Context uses</p> <p>9 Linode for?</p> <p>10 A I think we have a Wiki.</p> <p>11 Q And just so I understand, the weather and the</p> <p>12 SMS technology, those are products that are actually</p> <p>13 implemented in the players, correct? Are these services</p> <p>14 that are displayed in the clinics?</p> <p>15 A Yes, the weather is displayed in the clinics and</p> <p>16 so is the SMS.</p> <p>17 Q What is the SMS used for?</p> <p>18 A The SMS is a program to encourage healthy eating</p> <p>19 habits by delivering text messages to those that</p> <p>20 subscribe to the service.</p> <p>21 Q Are you familiar with Landscape?</p> <p>22 A Yes, I am.</p> <p>23 Q Does Context use Landscape?</p> <p>24 A Yes.</p>

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<p>1 Q What does Context use Landscape for?</p> <p>2 A We use Landscape solely for administrating the</p> <p>3 PCs.</p> <p>4 Q And can you give me a little bit more detail</p> <p>5 about what you mean by administrating the PCs?</p> <p>6 A Administrating, restarting them, running</p> <p>7 scripts. We use that in our diagnostics of the player,</p> <p>8 those tools that I was referring to earlier.</p> <p>9 Q So is Landscape sort of a remote service that</p> <p>10 Context communicates through to communicate to its</p> <p>11 players?</p> <p>12 A Yes.</p> <p>13 Q In other words -- Well, let me just ask you: So</p> <p>14 when Context wants to communicate with the players out</p> <p>15 in the field, can it do so directly from its offices</p> <p>16 here in Chicago, or does it have to use Landscape to do</p> <p>17 that?</p> <p>18 A Specifically, we can do both, but only to select</p> <p>19 groups.</p> <p>20 All of them we can communicate with Landscape.</p> <p>21 And some of them we can connect to directly.</p> <p>22 Q Which players can Context connect to directly?</p> <p>23 A Those that are connected through the Sprint</p> <p>24 wireless system.</p>	<p>1 corner there are some numbers. It's the one that starts</p> <p>2 with Context PROD 9030.</p> <p>3 A 9030. Oh, that's the only one?</p> <p>4 Q Yes, it's about six pages back.</p> <p>5 A I'm going to get my other glasses. They work</p> <p>6 better for reading.</p> <p>7 MR. O'BRIEN: Are two of the pages blank on your</p> <p>8 exhibit?</p> <p>9 MS. PARK: Yes, they are. You're right, they're not</p> <p>10 Bates numbered.</p> <p>11 Q Does this document look familiar to you,</p> <p>12 Mr. Williams?</p> <p>13 A I'm not familiar with either one of these</p> <p>14 documents.</p> <p>15 Q Did you author this document or contribute to it</p> <p>16 in any way?</p> <p>17 A To my knowledge, no.</p> <p>18 Q I'm not going to ask you about it, then. But I</p> <p>19 do want to ask you, again, in the 2010 and 2011 time</p> <p>20 frame, which operating systems did Context use?</p> <p>21 A For our internal servers, Linux.</p> <p>22 Q Linux.</p> <p>23 Did anybody at Context have -- Strike that.</p> <p>24 Well, did anyone at Context use Windows, to</p>
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<p>1 Q I see. Approximately what percentage of the</p> <p>2 players in the field are on the Sprint wireless system?</p> <p>3 A Rough guess, 15 percent maybe.</p> <p>4 Q So the majority of the players -- Strike that.</p> <p>5 Context communicates to the majority of its</p> <p>6 players through Landscape?</p> <p>7 A All of our players we communicate with</p> <p>8 Landscape.</p> <p>9 Q I see. But a small portion of them Context can</p> <p>10 communicate directly with them?</p> <p>11 A Yes.</p> <p>12 Q Okay.</p> <p>13 (Plaintiff's Exhibit 300 marked, withdrawn,</p> <p>14 and subsequently remarked as Plaintiff's</p> <p>15 Exhibit 213)</p> <p>16 MS. PARK: Q Mr. Williams, I'm showing you a</p> <p>17 document that's been marked Plaintiff's Exhibit 300</p> <p>18 [213].</p> <p>19 Please take as much time as you need to look at</p> <p>20 it. My first question to you will be, do you recognize</p> <p>21 this document?</p> <p>22 And if it helps you, Mr. Williams, the only</p> <p>23 document I'm going to ask you questions about is the one</p> <p>24 that starts on the page -- in the lower right-hand</p>	<p>1 your knowledge?</p> <p>2 A For the servers?</p> <p>3 Q No, for their actual desktops, laptops or</p> <p>4 operating systems that they worked on?</p> <p>5 A For desktops, yes.</p> <p>6 Q And how about Mac OS, did anybody use Mac OS?</p> <p>7 A I believe Mike Berning did, yes.</p> <p>8 Q He is a media guy, right?</p> <p>9 A Yes.</p> <p>10 Q You can put that aside.</p> <p>11 How does Context display its content in the</p> <p>12 CPUs? What technology does it use?</p> <p>13 A We use our third-party vendor.</p> <p>14 Q Is that BroadSign?</p> <p>15 A BroadSign, yes.</p> <p>16 Q So does BroadSign, then, create the CPU, or did</p> <p>17 you or anyone else at Context participate in creating</p> <p>18 the software or optimizing the software on the CPUs?</p> <p>19 A No, we didn't create anything.</p> <p>20 Q Okay. So when -- I'll boil this down to --</p> <p>21 making it simple for myself.</p> <p>22 So if a practice wanted to use Context's</p> <p>23 product, would the player come from Context's offices or</p> <p>24 would it come from BroadSign's offices?</p>

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<p>1 A It comes from our office.</p> <p>2 Q Okay. And what did Context do to prepare the</p> <p>3 player for use by the practice?</p> <p>4 A We take that master image and we install it on</p> <p>5 the player, the PC. We then configure the player</p> <p>6 specifically for that office.</p> <p>7 Q And what types of customization would Context</p> <p>8 have to do to configure the player for that particular</p> <p>9 office?</p> <p>10 A Enter a clinic ID, maybe make it a Wi-Fi player</p> <p>11 or make it a Sprint wireless player. That's really</p> <p>12 about the extent of it.</p> <p>13 Q And where did the master image come from again?</p> <p>14 A It's stored on the network.</p> <p>15 Q On Context's network?</p> <p>16 A Yes.</p> <p>17 Q Who created the master image?</p> <p>18 A I did.</p> <p>19 Q When did you first create the master image that</p> <p>20 Context used?</p> <p>21 A It would have been somewhere in the 2009 time</p> <p>22 frame.</p> <p>23 Q What did you have to do to create the master</p> <p>24 image?</p>	<p>1 A It was Image for Linux by TeraByte.</p> <p>2 Q So what did you have to do to create the new</p> <p>3 image?</p> <p>4 A Essentially all the steps that we had to before</p> <p>5 and then copy the hard drive contents onto a file.</p> <p>6 Q And when did the image change after sometime in</p> <p>7 late 2010?</p> <p>8 A I really don't know. There has been several</p> <p>9 times that it's changed. It could have changed several</p> <p>10 times during the same year.</p> <p>11 Q Why would the image have to be changed?</p> <p>12 A A couple of reasons. Our vendor BroadSign would</p> <p>13 come out with new versions, so we would want to make --</p> <p>14 ensure that all the new players going out had the new</p> <p>15 version.</p> <p>16 In 2010 there was an update to the OS that we</p> <p>17 made.</p> <p>18 Q That who made, Context made or BroadSign?</p> <p>19 A No, that Canonical had made.</p> <p>20 Q Oh, I see.</p> <p>21 A Every two years they update their operating</p> <p>22 system.</p> <p>23 Q So what operating system does Canonical use?</p> <p>24 A Well, they use the Linux. They package the</p>
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<p>1 A At that current time, I had to use a program, I</p> <p>2 believe it was called Ghost.</p> <p>3 Q And if you can tell me, how did you create the</p> <p>4 image, like what steps did you have to take?</p> <p>5 A I don't even remember. It involved the CD and</p> <p>6 then making a copy.</p> <p>7 Q How long did it take you?</p> <p>8 A Typically it would take me several days to</p> <p>9 create a master image.</p> <p>10 Q Has the master image changed since the first one</p> <p>11 that you created in 2009?</p> <p>12 A Many times.</p> <p>13 Q Can you walk me through when the image changed</p> <p>14 and what you had to do each time to create a new image?</p> <p>15 Like when is the next time after the first 2009 image,</p> <p>16 when did it change after that?</p> <p>17 A After 2009?</p> <p>18 Q Uh-huh.</p> <p>19 A It probably changed shortly after that when we</p> <p>20 went to a new imaging software.</p> <p>21 Q Do you know when that was, approximately?</p> <p>22 A I think it was in late 200 -- somewhere in 2010.</p> <p>23 I'm not sure exactly when.</p> <p>24 Q Okay. What was the new imaging software?</p>	<p>1 Linux operating system Ubuntu, and we use that package.</p> <p>2 Q Okay. Isn't it true that Ubuntu can run</p> <p>3 Windows-based programs, also?</p> <p>4 A I've never done it.</p> <p>5 Q Are you familiar with a software called Wine?</p> <p>6 A I know of it, yes.</p> <p>7 Q But it is possible for Ubuntu to run</p> <p>8 Windows-based programs?</p> <p>9 MR. O'BRIEN: Asked and answered.</p> <p>10 You can answer it again.</p> <p>11 THE WITNESS: I'm sorry?</p> <p>12 MR. O'BRIEN: I said asked and answered. You can</p> <p>13 answer it again.</p> <p>14 THE WITNESS: Okay. I don't know if Wine can run</p> <p>15 Windows-based programs. I think, yes. I've never had</p> <p>16 anything to do with it.</p> <p>17 MS. PARK: Q Okay. Going back to -- I guess we</p> <p>18 talked about the change in late 2010, and you said you</p> <p>19 didn't recall exactly when the image changed after that.</p> <p>20 Was it a year after that or a couple of months after</p> <p>21 that? Do you have any approximation?</p> <p>22 A There was a hardware change approximately</p> <p>23 shortly after I started where we needed to change from</p> <p>24 the A open hardware because it was reaching end of life.</p>

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<p style="text-align: right;">Page 50</p> <p>1 And we reached out to a computer vendor called Sherlock.</p> <p>2 They provided us with a new hardware platform.</p> <p>3 That hardware platform, the software that we were using</p> <p>4 for the previous hardware was not compatible with it, so</p> <p>5 we needed to come up with a new image at that time. So</p> <p>6 that would have been the first -- one of the first ones.</p> <p>7 Q So the new software that you used after that was</p> <p>8 Image for Linux?</p> <p>9 A Yes.</p> <p>10 Q And after you made the new image and switched to</p> <p>11 Image for Linux, what was the next change after that?</p> <p>12 A Approximately in -- somewhere in 2010 the 10.04</p> <p>13 Ubuntu version came out. So shortly after that I would</p> <p>14 have created the new image to support the 10.04.</p> <p>15 Q And about how long did it take you to -- if you</p> <p>16 remember, how long did it take you to create that new</p> <p>17 image?</p> <p>18 A Probably several days.</p> <p>19 Q Did anybody help you in creating the image or</p> <p>20 was that a one-man project?</p> <p>21 A No, I was the one that did it.</p> <p>22 Q Okay. So you mentioned that when a practice</p> <p>23 first decides that it's going to use Context's services,</p> <p>24 you would have to install the image on the player,</p>	<p style="text-align: right;">Page 52</p> <p>1 A But I know what type of -- there is different</p> <p>2 types of compression technology used for different</p> <p>3 purposes.</p> <p>4 Q What type of compression technology does Context</p> <p>5 use?</p> <p>6 A The only compression technology that I would use</p> <p>7 would be most likely gzip or zip.</p> <p>8 Q And what does that do?</p> <p>9 A It compresses the file so that it is smaller</p> <p>10 than what the original size was.</p> <p>11 Q Why would you need to use gzip?</p> <p>12 A To make something smaller so it will fit or it</p> <p>13 won't take up as much space.</p> <p>14 Q Do you write scripts that are installed on the</p> <p>15 players?</p> <p>16 A Yes.</p> <p>17 Q What types of scripts do you write?</p> <p>18 A Those are Bash scripts.</p> <p>19 Q And what do those do?</p> <p>20 A They report back to a server, the Linode</p> <p>21 servers.</p> <p>22 Q What do they report back to the server?</p> <p>23 A The state of the TV, whether it is on or off and</p> <p>24 the volume level.</p>
<p style="text-align: right;">Page 51</p> <p>1 configure the player.</p> <p>2 Is there anything else that you would have to</p> <p>3 do to the player before shipping it off to the practice?</p> <p>4 A No, not really.</p> <p>5 Q Did you have to install any anti-virus software</p> <p>6 or anything like that on the player?</p> <p>7 A No.</p> <p>8 Q Are you familiar with what compression</p> <p>9 technology is?</p> <p>10 A Yes, I am.</p> <p>11 Q Does Context use any compression technology?</p> <p>12 A You'd have to really narrow that down a lot for</p> <p>13 me.</p> <p>14 Q Okay. My understanding of what compression</p> <p>15 technology is is something like Flash -- well, it takes</p> <p>16 an image that would otherwise take up a lot of space and</p> <p>17 a lot of storage space on the CPU and it compresses it</p> <p>18 down, and this is probably a bad comparison, but like a</p> <p>19 zip file of documents. Compression technology, it</p> <p>20 allows the image to sort of get compressed down so it</p> <p>21 takes up less space on the hardware.</p> <p>22 Does that sound familiar at all?</p> <p>23 A I know what you're talking about.</p> <p>24 Q Okay.</p>	<p style="text-align: right;">Page 53</p> <p>1 Q Any other scripts that you write that go into</p> <p>2 the players?</p> <p>3 A The setup script.</p> <p>4 Q And what is that?</p> <p>5 A That's to configure the player for deployment.</p> <p>6 Q And just based on the name, is that something</p> <p>7 that is used to turn the player on once it gets to the</p> <p>8 office?</p> <p>9 A No, it's not.</p> <p>10 Q Okay. What is it used for, then?</p> <p>11 A It's used to configure Landscape, to configure</p> <p>12 those remote -- the volume script, volume monitoring</p> <p>13 script and to install a menuing system for the</p> <p>14 technician in the field.</p> <p>15 Q How long does it take you to write the Bash</p> <p>16 scripts that are used to report back to Linode?</p> <p>17 A Well, the volume script took me a couple weeks.</p> <p>18 Q How about the script that shows what the state</p> <p>19 of the TV is, if it's on or off?</p> <p>20 A That's the same exact script that I was telling</p> <p>21 you about, the volume, the volume of the TV.</p> <p>22 Q And have those scripts changed since late 2010,</p> <p>23 early 2011?</p> <p>24 A I'm not sure when I developed them, but they've</p>

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<p style="text-align: right;">Page 54</p> <p>1 only been minor changes since then.</p> <p>2 Q Do you know if you developed them before 2010?</p> <p>3 A I did not develop those ones before 2010, not</p> <p>4 the volume one.</p> <p>5 Q So sometime in 2011?</p> <p>6 A I don't remember when I was asked to do it. It</p> <p>7 could have been as late as 2012.</p> <p>8 Q Who asks you to write these scripts or this</p> <p>9 code?</p> <p>10 A It's something that comes down from management</p> <p>11 that they feel that they have a need for.</p> <p>12 Q So is this a directive that comes from someone</p> <p>13 like Jim Demas or does it come from Matt Coppola?</p> <p>14 A It would have come from either -- you know, my</p> <p>15 direct manager.</p> <p>16 Q And was that still Matt Coppola in 2012?</p> <p>17 A In 2012 it was Travis Kemp.</p> <p>18 Q About how long did it take you to write the</p> <p>19 setup script?</p> <p>20 A Probably about four to five weeks.</p> <p>21 Q Do you remember when you wrote that?</p> <p>22 A That was later in 2009, early 2010.</p> <p>23 Q And how has that script changed since then?</p> <p>24 A There have been some changes over time, most of</p>	<p style="text-align: right;">Page 56</p> <p>1 Q What types of security measures?</p> <p>2 A We do it through Landscape. We don't -- I'm not</p> <p>3 sure exactly -- are you looking for like package</p> <p>4 updates?</p> <p>5 Q Yes, exactly.</p> <p>6 A Mostly we do it whenever we do an updated image,</p> <p>7 I'll update all the packages at that time.</p> <p>8 Q So you, Context, you actually update the</p> <p>9 packages yourself instead of asking Landscape to do it?</p> <p>10 A Most of it, yes.</p> <p>11 Q And that happens when the images are updated?</p> <p>12 A Uh-huh.</p> <p>13 Q Does Context do anything to protect the contents</p> <p>14 of its CPUs? For example, does it encrypt them?</p> <p>15 A No, there is no encryption.</p> <p>16 Q Are they password protected?</p> <p>17 A The user is password protected.</p> <p>18 Q So as with anyone's personal computer, you have</p> <p>19 to enter a log-in and a password to enter, to get into</p> <p>20 the device?</p> <p>21 A That is correct.</p> <p>22 Q Are there any other security measures other than</p> <p>23 just a simple log-in and password that Context</p> <p>24 implements in the players to protect them?</p>
<p style="text-align: right;">Page 55</p> <p>1 them just minor, as a matter of fact, all of them have</p> <p>2 been minor.</p> <p>3 Q Other than the Bash scripts and the setup</p> <p>4 scripts, are there any other scripts that you've written</p> <p>5 or used in the CPUs at Context?</p> <p>6 A The only one that comes to mind is the Wi-Fi</p> <p>7 setup script.</p> <p>8 Q When did you write that?</p> <p>9 A That was last year.</p> <p>10 Q And it seems obvious, again, then, from the</p> <p>11 name, but what does the Wi-Fi script do?</p> <p>12 A It sets up the wireless interface so that it can</p> <p>13 seek out and connect to a wireless interface for the</p> <p>14 network.</p> <p>15 Q Do all of Context's players contain the same</p> <p>16 technology, so the same image, the same scripts, the</p> <p>17 same configurations that you place in them?</p> <p>18 A Yes.</p> <p>19 Q Do you install any security updates or -- I</p> <p>20 already asked you about virus scans or any other types</p> <p>21 of security measures onto the players to protect their</p> <p>22 contents or to protect them from hacking or anything</p> <p>23 like that?</p> <p>24 A Occasionally, yes.</p>	<p style="text-align: right;">Page 57</p> <p>1 A No.</p> <p>2 MS. PARK: We can take a short break now or go on.</p> <p>3 Off the record.</p> <p>4 (a brief recess was taken from 3:17 p.m. to</p> <p>5 3:23 p.m.)</p> <p>6 MS. PARK: So we just determined that the last</p> <p>7 exhibit that plaintiffs left off at was 212.</p> <p>8 So we're going to remark what was previously</p> <p>9 marked as Plaintiff's Exhibit 300 to Plaintiff's Exhibit</p> <p>10 213.</p> <p>11 Is that all right, Counsel?</p> <p>12 MR. O'BRIEN: Sure.</p> <p>13 (Exhibit remarked as requested.)</p> <p>14 MS. PARK: Q Just going back to, we were talking</p> <p>15 about scripts in the players before we went off break.</p> <p>16 Other than the scripts that you developed, are there any</p> <p>17 other scripts to your knowledge that are used in the</p> <p>18 CPUs?</p> <p>19 A Ones that were developed by BroadSign, yes.</p> <p>20 Q Okay. Did you or anyone else at Context have</p> <p>21 anything to do with writing those scripts?</p> <p>22 A No.</p> <p>23 Q Okay. Are you aware that around the December,</p> <p>24 2010, time frame a Healthy Advice player was removed</p>

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<p>1 from a practice and shipped to Context's offices?</p> <p>2 A I don't know the date, but, yes, I am aware that</p> <p>3 there was a player that was shipped.</p> <p>4 Q How did you become aware of that?</p> <p>5 A My manager.</p> <p>6 Q Do you know why the -- When I say HAN, I mean</p> <p>7 Healthy Advice. Do you know why the HAN player was</p> <p>8 shipped to Context's offices?</p> <p>9 A No, I don't.</p> <p>10 Q You had nothing to do with that?</p> <p>11 A No.</p> <p>12 Q Where did it come from, if you know?</p> <p>13 A I don't know.</p> <p>14 Q Do you know what was on the HAN player?</p> <p>15 A I don't know what you mean by what was on it.</p> <p>16 Q Do you know what type of technology was on it at</p> <p>17 the time that you found out that it had been shipped to</p> <p>18 Context's offices?</p> <p>19 A The only thing I knew was that it was Windows.</p> <p>20 Q Did you talk to anyone at Context about why the</p> <p>21 HAN player was in Context's offices?</p> <p>22 A Not that I remember.</p> <p>23 Q What did your -- was it Mr. Kemp that you're</p> <p>24 referring to when you said supervisor or manager?</p>	<p>1 A My manager.</p> <p>2 Q And who was that?</p> <p>3 A Matt.</p> <p>4 Q Did he ask you at the same time that he sort of</p> <p>5 showed you the HAN player and you discussed it?</p> <p>6 A No.</p> <p>7 Q When did he ask you?</p> <p>8 A It was towards the end when we knew we were</p> <p>9 going to be returning it.</p> <p>10 Q When you say towards the end, do you know</p> <p>11 approximately when --</p> <p>12 A The end of the time that we possessed it.</p> <p>13 Q About how long did Context possess it?</p> <p>14 A I'm not sure how long that was.</p> <p>15 Q Do you know if it was a couple of weeks, a</p> <p>16 couple of days, a couple of months?</p> <p>17 A To the best of my knowledge, it was only just a</p> <p>18 few days.</p> <p>19 Q Do you know who made the decision to return the</p> <p>20 player?</p> <p>21 A No, I don't.</p> <p>22 Q Do you know who asked Mr. Coppola to ask you to</p> <p>23 download the image?</p> <p>24 A No, I don't know who.</p>
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<p>1 A No, Coppola.</p> <p>2 Q Oh, Coppola. What did Mr. Coppola tell you</p> <p>3 about the HAN player?</p> <p>4 A The only thing I remember is that it just showed</p> <p>5 up. I don't remember why or how.</p> <p>6 Q Did he bring it to you and show it to you? Like</p> <p>7 how is it that -- what did he say to you when the</p> <p>8 subject of the HAN player came up?</p> <p>9 A There was -- it was surprise.</p> <p>10 Q Was anyone else present when you and Mr. Coppola</p> <p>11 were talking about the HAN player?</p> <p>12 A Not that I recall.</p> <p>13 Q About how long did you talk with him about it?</p> <p>14 A It was only for a few minutes, I think.</p> <p>15 Q Okay. Was this in Context's offices here in</p> <p>16 Chicago?</p> <p>17 A Yes.</p> <p>18 Q Are you aware that Context took an image of the</p> <p>19 hard drive on the HAN player?</p> <p>20 A Yes, I am.</p> <p>21 Q How are you aware of that?</p> <p>22 A I was the one that did it.</p> <p>23 Q Who asked you to download the image of the hard</p> <p>24 drive of the HAN player?</p>	<p>1 Q If you know, why did Mr. Coppola ask you to do</p> <p>2 it?</p> <p>3 A Because I was the one that knew how.</p> <p>4 Q Did you, in fact, download the entire hard</p> <p>5 drive?</p> <p>6 A Yes.</p> <p>7 Q And when did you download it, approximately?</p> <p>8 A When? It was probably a few days after it</p> <p>9 arrived.</p> <p>10 Q Was it right after Mr. Coppola asked you to?</p> <p>11 A Yes, it probably would have been. It would have</p> <p>12 been the same day.</p> <p>13 Q How did you download the hard drive?</p> <p>14 A I used Image for Linux.</p> <p>15 Q Okay. Can you kind of walk me through what you</p> <p>16 did, again, because I don't really know what that means.</p> <p>17 A Image for Linux resides on a flash drive. That</p> <p>18 flash drive is inserted into the device. The device</p> <p>19 turns on. It boots from the flash drive. The software</p> <p>20 on there permits you to make a copy of the hard drive</p> <p>21 into a single file. And that single file is then stored</p> <p>22 onto a network drive.</p> <p>23 Q I see. So if this were the HAN CPU, Ms. Court</p> <p>24 Reporter's machine here, you would take the flash drive</p>

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<p>1 and put it directly into the machine and it can copy the</p> <p>2 contents of the hard drive?</p> <p>3 A Yes, yes.</p> <p>4 Q Okay. And what format was the image in after</p> <p>5 you copied it?</p> <p>6 A It's in a proprietary format called tbi, with a</p> <p>7 tbi extension.</p> <p>8 Q Okay. Did you select the tbi format, or was</p> <p>9 that the format that Image for Linux uses?</p> <p>10 A That's the format that it uses.</p> <p>11 Q Okay. Why did you copy the hard drive?</p> <p>12 A Because I was asked to.</p> <p>13 Q You wouldn't have done it if somebody at Context</p> <p>14 didn't ask you to do that?</p> <p>15 A No.</p> <p>16 Q What did you do with the image after you</p> <p>17 downloaded it?</p> <p>18 A Well, it was stored in a location on the server.</p> <p>19 Q Was it on CM Server 1?</p> <p>20 A Most likely at that time, yes.</p> <p>21 Q Did you place it on your laptop?</p> <p>22 A No.</p> <p>23 Q Or your desktop?</p> <p>24 A No.</p>	<p>1 Q Did you have a good copy?</p> <p>2 A I was not able to determine that.</p> <p>3 Q Why not?</p> <p>4 A The image would not boot on our hardware.</p> <p>5 Q I'm sorry if I asked you this already -- oh, you</p> <p>6 moved -- you said you moved the image to the external</p> <p>7 drive because it was too large and you wanted to save</p> <p>8 space.</p> <p>9 A Uh-huh.</p> <p>10 Q So after you moved it, was it then deleted from</p> <p>11 the CM Server 1?</p> <p>12 A Most likely, yes. I wouldn't keep it on there.</p> <p>13 Q But you didn't do anything to actively delete it</p> <p>14 from CM Server 1?</p> <p>15 A What do you mean by that?</p> <p>16 Q You said it was most likely removed from CM</p> <p>17 Server 1?</p> <p>18 A I would have removed it, yes.</p> <p>19 Q But you don't remember specifically removing it?</p> <p>20 A I don't remember specifically, no.</p> <p>21 Q Do you know if anyone else has access to the</p> <p>22 image other than yourself?</p> <p>23 A Yes.</p> <p>24 Q Who?</p>
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<p>1 Q Did you put it on a flash drive or any kind of</p> <p>2 external drive?</p> <p>3 A No.</p> <p>4 Q Did you e-mail it to anybody?</p> <p>5 A No.</p> <p>6 Q Did you look at it after you copied it?</p> <p>7 A I did not look at it.</p> <p>8 Q Did you make any copies of it?</p> <p>9 A No. The only thing I did was move it.</p> <p>10 Q Where did you move it to?</p> <p>11 A I moved it to an external drive.</p> <p>12 Q Why did you move it to an external drive?</p> <p>13 A Because the external drive had much more storage</p> <p>14 capacity.</p> <p>15 Q About how big was the file, do you know?</p> <p>16 A I don't recall, but I know it would be several</p> <p>17 gigabytes.</p> <p>18 Q Other than moving it to the external drive, did</p> <p>19 you do anything else with the image?</p> <p>20 A I restored it to test it to one of our PCs.</p> <p>21 Q When did you do that?</p> <p>22 A Right after I made the image.</p> <p>23 Q Why did you restore it to test it?</p> <p>24 A To see if I had a good copy.</p>	<p>1 A Travis Kemp.</p> <p>2 Q When did, if you know, when did Travis access</p> <p>3 the image?</p> <p>4 A He never accessed the image, to my knowledge.</p> <p>5 Q I thought you said --</p> <p>6 A He has access to it because he has a log-in</p> <p>7 account on that server.</p> <p>8 Q I see. But you don't know if he accessed it or</p> <p>9 not?</p> <p>10 A No, I do not.</p> <p>11 Q Do you know if anyone else had access to the</p> <p>12 image?</p> <p>13 A Anybody within the net ops department would have</p> <p>14 access to it.</p> <p>15 Q When it was on the CM Server 1, was access to it</p> <p>16 restricted in any way?</p> <p>17 A It would require a user name and password in</p> <p>18 order to get into there, and it was not in a shared</p> <p>19 folder.</p> <p>20 Q Okay. Okay. Did you inform your manager that</p> <p>21 you had downloaded the image?</p> <p>22 A Yes, yes.</p> <p>23 Q So that's Mr. Coppola?</p> <p>24 A Uh-huh.</p>

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<p style="text-align: right;">Page 66</p> <p>1 Q Did you tell anybody else other than Mr. Coppola 2 that you had downloaded the image? 3 A Well, can I ask you a question? Or is that not 4 appropriate? 5 MR. O'BRIEN: Well, it's only appropriate if it's 6 about a matter of attorney-client communication. 7 MS. PARK: Q If you talked to your counsel about 8 it, I don't want to know about that. 9 So did you -- 10 A According to a document that I read yesterday, 11 yes, I did. 12 Q Who did you tell? 13 A Apparently everybody in the e-mail that was in 14 the document that I read yesterday. 15 Q Do you remember speaking to anybody about 16 downloading the image other than Mr. Coppola? 17 A No, I don't. 18 Q Did you have any conversations with Jim Demas 19 about the image? 20 A I don't recall. 21 Q Do you remember Mr. Demas coming to talk to you 22 about copying the image sometime around the time you did 23 it? 24 A No, I don't.</p>	<p style="text-align: right;">Page 68</p> <p>1 send it? 2 A No, there is not. 3 Q So here in this e-mail at the very bottom there 4 is an e-mail from Mr. Berning saying that he's taken -- 5 or there is Quick Time and Windows Media video of 6 competitor programming and a Healthy Advice loop. 7 And in response to that, Mr. Shah writes, 8 "Thanks, Mike. Did we get an image pulled of what was 9 on that HAN player?" 10 Do you see that? 11 A Uh-huh. 12 Q And in response, you said, "Yes." 13 Do you remember Mr. Shah asking you to take an 14 image of what was on the HAN player? 15 A No, he did not. 16 Q Did you have any conversations with anybody on 17 this e-mail chain about taking an image of the HAN 18 player after you sent the e-mail? 19 A The only one here would be Matt Coppola. 20 Q Okay. But it's reasonable to -- Well, strike 21 that. 22 What did you talk with Matt Coppola about? 23 A Just he asked me, he told me to go ahead and 24 image it.</p>
<p style="text-align: right;">Page 67</p> <p>1 Q Did you have any conversations with Mr. Shah 2 about downloading and copying the image? 3 A Not any verbal communications. 4 Q You had written communications with him? 5 A Only according to the e-mail that I read 6 yesterday, but I didn't remember it until I read that. 7 Q Okay. I have a feeling I know which one you're 8 talking about. 9 (Plaintiff's Exhibit 62 previously marked 10 and tendered.) 11 MS. PARK: Q This has been -- showing you what's 12 been previously marked Plaintiff's Exhibit 62. Take as 13 long as you like with it, but my first question will be 14 do you recognize this document? 15 A Well, I recognize it from when I saw it 16 yesterday. 17 Q This is an e-mail chain, but the top e-mail is 18 an e-mail that you sent on January 6th at 8:16 p.m. to a 19 number of people, is that right? 20 A Yes. 21 Q Do you remember receiving the underlying e-mails 22 and then sending the e-mail on top? 23 A I don't remember it. 24 Q But there is no reason to think that you didn't</p>	<p style="text-align: right;">Page 69</p> <p>1 Q Okay. But did you have conversations with him 2 after you sent this e-mail? 3 A Not that I recall, no. 4 Q Do you know why Mr. Shah wanted an image of the 5 HAN player? 6 MR. O'BRIEN: Object to the form. 7 You can answer. 8 MS. PARK: Q You can answer. 9 A Oh, okay. Can you repeat the question. 10 Q Yes. 11 Do you know why Mr. Shah wanted an image of 12 what was on the HAN player? 13 MR. O'BRIEN: Same objection, same instruction. 14 You can answer. 15 THE WITNESS: I don't know if he wanted an image or 16 not. 17 MS. PARK: Q But he asked you and the group, did 18 we get an image of what was pulled on that HAN player, 19 so presumably he wanted a copy of that image? 20 MR. O'BRIEN: Same objection, same instruction. 21 THE WITNESS: I was told by my manager. I was just 22 doing as I was instructed. 23 MS. PARK: Q Would Mr. Coppola do anything without 24 authorization from his manager?</p>

18 (Pages 66 to 69)

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<p>1 A That I don't know.</p> <p>2 Q Have you ever -- you worked with him for about</p> <p>3 five years now?</p> <p>4 A He is no longer with the company.</p> <p>5 Q Okay. When did he leave the company?</p> <p>6 A It was about a year ago.</p> <p>7 Q Okay. Well, in the time that you worked with</p> <p>8 him, did you ever know him to do anything without</p> <p>9 permission from his manager?</p> <p>10 MR. O'BRIEN: Object to the form.</p> <p>11 You can answer.</p> <p>12 THE WITNESS: Not that I recall.</p> <p>13 MS. PARK: Q As you sit here today, do you know if</p> <p>14 there was any confidential information on the HAN</p> <p>15 player?</p> <p>16 A No, I do not.</p> <p>17 Q Do you know if there was any intellectual</p> <p>18 property on the HAN player that you took the image from?</p> <p>19 A No, I do not.</p> <p>20 Q Would you feel comfortable if one of Context's</p> <p>21 competitors had access to a Context CPU?</p> <p>22 A Would I feel -- No, probably not.</p> <p>23 Q Why not?</p> <p>24 A Because I have a personal investment in it.</p>	<p>1 the video?</p> <p>2 A Basically, we just plugged it in and turned it</p> <p>3 on.</p> <p>4 Q Oh, did you have anything to do with that?</p> <p>5 A Yes, I plugged it in.</p> <p>6 Q Okay. Who asked you to plug in the video?</p> <p>7 A I think it was Matt.</p> <p>8 Q Did you discuss the video with anybody?</p> <p>9 A No.</p> <p>10 Q Did you sit down and watch the video?</p> <p>11 A It was playing in the background. I watched a</p> <p>12 little bit of it, but that's about it.</p> <p>13 Q Do you know why Mike took the video?</p> <p>14 A They were just looking for competitor</p> <p>15 intelligence.</p> <p>16 Q When you say they, who do you mean?</p> <p>17 A Well, as far as I know, he was. He just, you</p> <p>18 know, video recorded what was playing on the screen.</p> <p>19 Q Do you know if he did that on his own or if</p> <p>20 somebody asked him to make the video?</p> <p>21 A I don't know.</p> <p>22 Q Do you know what happened to the video after</p> <p>23 Mike copied it?</p> <p>24 A Yes, I do.</p>
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<p>1 Q How would you react if one of Context's</p> <p>2 competitors copied the contents of a Context CPU?</p> <p>3 A I would be angry but get over it.</p> <p>4 Q Have you copied images of any other competitor's</p> <p>5 CPU?</p> <p>6 A No.</p> <p>7 Q Are you aware that Context created video files</p> <p>8 containing copies of HAN's video loops?</p> <p>9 A I'm aware that we copied with a camera what was</p> <p>10 playing on the screen.</p> <p>11 Q How did you become aware of that?</p> <p>12 A I saw the setup.</p> <p>13 Q Oh, okay. Where did you see the setup?</p> <p>14 A In the net ops area.</p> <p>15 Q Do you know who copied the video?</p> <p>16 A You mean who took the video?</p> <p>17 Q Yes.</p> <p>18 A Yes.</p> <p>19 Q Who did that?</p> <p>20 A Mike Berning.</p> <p>21 Q And when you saw the video, where was it</p> <p>22 playing?</p> <p>23 A It was playing on a TV in net ops.</p> <p>24 Q Do you know who put the -- who started playing</p>	<p>1 Q What happened to it?</p> <p>2 A He stored it on the server, CM Server 1.</p> <p>3 Q Okay. And do you know what happened to it after</p> <p>4 it was stored on CM Server 1?</p> <p>5 A I don't understand your question.</p> <p>6 Q Did it remain on CM Server 1 or did it get moved</p> <p>7 to the Google Drive or to a different storage facility?</p> <p>8 A I don't know if it was moved to the Google</p> <p>9 Drive. I don't know if it was moved from the Google</p> <p>10 Drive or to the Google Drive.</p> <p>11 Q You didn't access it or do anything with the</p> <p>12 video loop?</p> <p>13 A No, I did not.</p> <p>14 Q Okay. Have you seen the video since you first</p> <p>15 saw it -- I'm sorry, well, strike that.</p> <p>16 When was this happening that you -- that the</p> <p>17 video was playing in the --</p> <p>18 A Shortly after we received it.</p> <p>19 Q Okay. So this, again, was in early 2011?</p> <p>20 A Yes.</p> <p>21 Q So when you say you received it, you're talking</p> <p>22 about the same CPU that was shipped to Context's</p> <p>23 offices?</p> <p>24 A That's correct.</p>

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<p>1 Q So have you seen the video since it was played 2 in net ops back in 2001? 3 A No. 4 Q I'm sorry, 2011. 5 Where is the net ops office in comparison to 6 the rest of the offices at ContextMedia? 7 A We're all in the same area. It's a big office, 8 it's just sectioned off with cubicles. 9 Q Okay. So everybody is kind of on the same 10 floor? 11 A Yes. 12 Q Okay. Did anybody see you download the image 13 from the HAN player? 14 A Not that I am aware of. 15 Q Did you do it in the net ops section -- 16 A Yes. 17 Q -- in the open area in the office? 18 A Yes. 19 Q Has anybody reprimanded you or told you that you 20 shouldn't have done that? 21 A No. 22 Q If you know, did anyone reprimand or tell Matt 23 Coppola that he shouldn't have asked you to do that? 24 A Not that I am aware of.</p>	<p>1 2011? 2 A To the extent of very, you know, like the 3 graphics and stuff like that was created in-house. 4 But as far as videos or anything like that or 5 content that was specific for the clinics to display, 6 no, it was more of a branding thing that was done 7 in-house at that time. 8 Q Do you know -- do you have any -- Strike that. 9 Do you know if Context's content has changed 10 since 2011? 11 A It's been continually changing. 12 Q Do you have anything to do with changing the 13 content or the graphics? 14 A No, I do not. 15 Q Are you familiar with a company called 16 Acquierent? 17 A I have vague recollection of it. 18 Q What's your understanding of what Acquierent is? 19 A I just -- I've heard the name before. 20 Q Where did you hear the name? 21 A I don't even remember where I heard the name. 22 Q Was it through your work at Context or something 23 else? 24 A It's possible that it's through work, but I</p>
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<p>1 Q Do you play any role in the development of the 2 content that is displayed in Context's CPUs? 3 A No, I do not. 4 Q Who at Context is responsible for that? 5 A The media department. 6 Q Who was in the media department back in 2011? 7 A Mike Berning. 8 Q Anyone else? 9 A No. 10 Q Do you have any idea where Context's programming 11 comes from, the content? 12 A I have a vague understanding of where that comes 13 from. 14 Q Okay. What's your understanding of where it 15 comes from? 16 A Some of it is generated in-house. Some of it 17 comes from outside vendors like dLife. 18 Q For the content that's developed in-house, was 19 that true back in 2011? 20 A I'm not sure I understand what your question 21 means. 22 Q You said that some content was created in-house 23 at ContextMedia. 24 Did ContextMedia create its own content back in</p>	<p>1 don't know. 2 Oh, okay. I do know who Acquierent is. 3 Q Who is Acquierent? 4 A Acquierent was a company that we outsourced to 5 provide augmentation to our sales force. 6 Q Do you know when Context hired Acquierent? 7 A I don't know exactly when they hired. 8 Q Well, it was after you started in 2009? 9 A Oh, yes, it was after. 10 Q But shortly after or two months ago? 11 A No, I think it was over a year after I started. 12 Q Okay. Approximately 2010? 13 A Or '11. I'm not sure. 14 Q Do you know if Acquierent was around when the 15 HAN player was in Context's offices? 16 MR. O'BRIEN: I'll object to the form. 17 You can answer. 18 THE WITNESS: I am not aware. I know that they have 19 been in the office, but I don't know when exactly that 20 was. 21 MS. PARK: Q Do you know who at Acquierent worked 22 with Context? 23 A I can remember faces, but I cannot remember 24 names.</p>

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<p>1 Q Does the name Jaime Attaway sound familiar?</p> <p>2 A Jaime does, yes.</p> <p>3 Q She was an Acquierent salesperson?</p> <p>4 A Yes.</p> <p>5 Q How about Julia Heffernan, does that name sound</p> <p>6 familiar?</p> <p>7 A No, that name does not sound familiar.</p> <p>8 Q Do you know if Acquierent employees were given</p> <p>9 ContextMedia e-mail addresses?</p> <p>10 A I believe they were.</p> <p>11 Q Do you know approximately when?</p> <p>12 A I think it was shortly after they started coming</p> <p>13 to the office.</p> <p>14 Q And were these -- we talked at the very</p> <p>15 beginning of the deposition about</p> <p>16 contextmediahealth.inc. or contextmediainc.com and then</p> <p>17 the diabeteshealthnetwork.com. Were those the e-mail</p> <p>18 addresses that they were given?</p> <p>19 A I don't know for sure.</p> <p>20 Q Okay. Who at Context is responsible for setting</p> <p>21 up e-mail addresses?</p> <p>22 A At first it was Matt Coppola, and then after</p> <p>23 that it would have been Travis Kemp.</p> <p>24 Q If you know, which Acquierent employees were</p>	<p>1 of what they were.</p> <p>2 Q Okay. Do you know when that e-mail was sent?</p> <p>3 A I don't remember exactly. It's been a couple</p> <p>4 years now.</p> <p>5 Q Do you know who sent the e-mail?</p> <p>6 A I believe it was Jim Demas.</p> <p>7 Q Did you take any part in, as a network support</p> <p>8 person, did you take any part in collecting documents in</p> <p>9 connection with the case?</p> <p>10 A Yes.</p> <p>11 Q What did you do?</p> <p>12 A I collected the documents for the video</p> <p>13 documents that were on the server.</p> <p>14 Q When did you do that?</p> <p>15 A It was shortly after I was asked. I don't</p> <p>16 recall exactly when it was.</p> <p>17 Q Other than the video -- or other than obtaining</p> <p>18 the video file, did you play any role in collecting any</p> <p>19 documents in response to -- in connection with the case?</p> <p>20 A No.</p> <p>21 Q Does Context reuse its players -- Well, if a</p> <p>22 practice decides not to do business with Context</p> <p>23 anymore, what happens to Context's equipment?</p> <p>24 A The player is returned typically.</p>
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<p>1 given ContextMedia e-mail addresses?</p> <p>2 A No, I don't know.</p> <p>3 Q And you said you don't know approximately when,</p> <p>4 but shortly after they started?</p> <p>5 A Yes.</p> <p>6 Q Do you ever contact practices or clinics</p> <p>7 directly?</p> <p>8 A No, I don't.</p> <p>9 Q Are you involved at all in contacting</p> <p>10 sponsors -- Strike that.</p> <p>11 When I say sponsors, do you know what I'm</p> <p>12 referring to?</p> <p>13 A Yes, I do.</p> <p>14 Q Do you ever contact sponsors or have any</p> <p>15 interaction with sponsors?</p> <p>16 A No.</p> <p>17 Q Are you aware that Healthy Advice served what's</p> <p>18 called a request for documents on Context?</p> <p>19 A In reference to the litigation?</p> <p>20 Q Yes.</p> <p>21 A Yes.</p> <p>22 Q How are you aware?</p> <p>23 A We were made aware through an e-mail, corporate</p> <p>24 e-mail that we were to store all documents, regardless</p>	<p>1 Q Okay. Do you reuse the player or does it get</p> <p>2 tossed? What happens to the player after that?</p> <p>3 A We go through a process of verifying that the</p> <p>4 hardware is still good and then we reuse it.</p> <p>5 Q Do you play a role in refurbishing the players?</p> <p>6 A No, not now.</p> <p>7 Q At some point did you do that?</p> <p>8 A A very small role.</p> <p>9 Q What did you do?</p> <p>10 A Essentially, all I did was to make sure that the</p> <p>11 hardware was functioning.</p> <p>12 Q What did you do to make sure the hardware was</p> <p>13 functioning?</p> <p>14 A We ran tests, hardware tests to ensure that the</p> <p>15 memory and the hard drive were functioning properly.</p> <p>16 Q When did you do this?</p> <p>17 A Probably from around 2009 to roughly late 2011,</p> <p>18 2012 I think.</p> <p>19 Q Does Context still refurbish old players?</p> <p>20 A Yes.</p> <p>21 Q Why don't you play a role in that anymore?</p> <p>22 A There are other people that do it now.</p> <p>23 Q You've moved on from that, right?</p> <p>24 A Yes.</p>


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<p style="text-align: right;">Page 82</p> <p>1 Q And you had said or you had testified that when 2 a practice signs up to do business with Context, the 3 player originates from Context. You configure it and 4 then ship it to the practice, correct? 5 A That is correct. 6 Q Where does Context store its players? 7 A In the logistics department and we also store it 8 in the net ops department. 9 Q They're stored here in Chicago? 10 A Oh, yes. 11 Q Is it in like a separate warehouse or just in 12 the same office? 13 A It's in the same office. 14 Q Are they locked up or do you keep them secured 15 in any way? 16 A They would be secure, I mean, as any -- they're 17 not locked up in a cabinet or anything like that. 18 Q You mentioned that there was some forensics that 19 was conducted on the CM Server 1 for the case, right? 20 A Uh-huh. 21 Q Do you know if Context did anything other than 22 the forensics to find out if anybody accessed the image 23 after it was uploaded to the server? 24 A Not that I am aware of.</p>	<p style="text-align: right;">Page 84</p> <p>1 STATE OF ILLINOIS) 2) ss: 3 COUNTY OF COOK) 4 5 The within and foregoing deposition of the 6 aforementioned witness was taken before TRACY L. 7 BLASZAK, CSR, CRR, and Notary Public, at the place, date 8 and time aforementioned. 9 There were present during the taking of the 10 deposition the previously named counsel. 11 The said witness was first duly sworn and was 12 then examined upon oral interrogatories; the questions 13 and answers were taken down in shorthand by the 14 undersigned, acting as stenographer and Notary Public; 15 and the within and foregoing is a true, accurate and 16 complete record of all of the questions asked of and 17 answers made by the aforementioned witness, at the time 18 and place hereinabove referred to. 19 The signature of the witness was not waived, 20 and the deposition was submitted, pursuant to 21 Rules 30(e) and 32(d) of the Rules of Civil Procedure 22 for the United States District Court, to the deponent 23 per copy of the attached letter. 24 The undersigned is not interested in the within case, nor of kin or counsel to any of the parties.</p>
<p style="text-align: right;">Page 83</p> <p>1 MS. PARK: I have no other questions. 2 MR. O'BRIEN: No questions. Signature reserved. 3 You're done. 4 MS. PARK: Thank you very much, sir. Appreciate 5 your time. 6 (Whereupon, the deposition concluded at 3:52 7 p.m.) 8 ----- 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 85</p> <p>1 Witness my official signature and seal as 2 Notary Public in and for Cook County, Illinois, on this 3 30th day of May, A.D. 2014. 4 5 6 7 8  9 <i>Tracy L. Blaszak</i> 10 TRACY L. BLASZAK, CSR, CRR 11 CSR No. 084-002978 12 311 South Wacker Drive 13 Suite 300 14 Chicago, Illinois 60606 15 Phone: (312) 386-2000 16 17 18 19 20 21 22 23 24</p>

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<p>IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO WESTERN DIVISION</p> <p>HEALTHY ADVICE NETWORKS, LLC,) Plaintiff,) -vs-) No. 1:12-cv-00610 CONTEXTMEDIA, INC.,) Defendant.)</p> <p>I, MICHAEL WILLIAMS, being first duly sworn, on oath say that I am the deponent in the aforesaid deposition taken on May 15, 2014; that I have read the foregoing transcript of my deposition, consisting of pages 1 through 86 inclusive, and affix my signature to same.</p> <p>_____ MICHAEL WILLIAMS</p> <p>Subscribed and sworn to before me this _____ day of _____, ____.</p> <p>_____ Notary Public tb</p> <p>MERRILL CORPORATION (800) 868-0061 (312) 386-2000</p>	<p>CASE: HAN vs. ContextMedia DATE TAKEN: 5-15-14 DEPONENT: Mr. Michael Williams</p> <p>PAGE LINE ERRATA SHEET</p> <p>____ CHANGE: _____ ____ REASON: _____ ____ CHANGE: _____ ____ REASON: _____ ____ CHANGE: _____ ____ REASON: _____ ____ CHANGE: _____ ____ REASON: _____ ____ CHANGE: _____ ____ REASON: _____ ____ CHANGE: _____ ____ REASON: _____ ____ CHANGE: _____ ____ REASON: _____ ____ CHANGE: _____ ____ REASON: _____ ____ CHANGE: _____ ____ REASON: _____ ____ CHANGE: _____ ____ REASON: _____</p> <p>(signed) _____ DATE _____</p> <p>Reporter: Tracy L. Blaszk MERRILL CORPORATION (800) 868-0061 (312) 386-2000</p>
<p>MERRILL CORPORATION 311 South Wacker Drive - Suite 300 Chicago, Illinois 60606 (312) 386-2000</p> <p>May 28, 2014</p> <p>Mr. Michael Williams c/o Sidley Austin LLP One S. Dearborn Chicago, IL 60603 Attn: Mr. Richard O'Brien Re: HAN vs. ContextMedia No. 1:12-cv-00610 Dep: Michael Williams 5/15/14 Dear Mr. Williams:</p> <p>The deposition testimony given on May 15, 2014 in the above-captioned case has been transcribed, and inasmuch as signature was not waived, this is to advise that the deposition will be available in our office for 30 days for reading and signing.</p> <p>If you choose to read and sign your deposition at our offices, please call the undersigned for an appointment. Our office hours are from 9:00 a.m. to 4:00 p.m., Monday through Friday.</p> <p>If you choose to make other arrangements for the reading and signing of your deposition, please advise us of the arrangements you have made in writing within 30 days from the date of this letter.</p> <p>Sincerely yours,</p> <p>_____ MERRILL CORPORATION</p> <p>cc: Ms. Jeanah Park (Vedder) tb221143</p> <p>MERRILL CORPORATION (800) 868-0061 (312) 386-2000</p>	

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